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13 *Lead Counsel for Plaintiffs*

14
15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**
17 **SAN FRANCISCO DIVISION**

18 IN RE TRANSPACIFIC PASSENGER
19 AIR TRANSPORTATION
20 ANTITRUST
LITIGATION

Civil Action No. 3:07-CV-05634-
CRB

MDL No: 1913

21
22 **This Document Relates to:**
23 **ALL ACTIONS**

DECLARATION OF JOEL K.
BOTZET RE: CLAIMS
ADMINISTRATION AND
DISTRIBUTION OF NET
SETTLEMENT FUND

1
2 JOEL K. BOTZET declares and states that:

3 1. I am a Program Manager for Rust Consulting, Inc. (“Rust
4 Consulting”), the Court-appointed Claims Administrator for the class action
5 Settlement in this case. My business address is 625 Marquette Avenue, Suite
6 900, Minneapolis, Minnesota 55402-2469. My business telephone number is
7 612-359-2035. I am authorized to make this declaration on behalf of Rust
8 Consulting.
9
10

11 2. Rust Consulting has extensive experience in class action matters,
12 having provided settlement administration services in class action lawsuits
13 affecting millions of class members in cases involving employment, consumers,
14 banking and financial services, property, insurance, securities and products
15 liability, among its more than 7,500 projects.
16
17

18 3. Except as otherwise stated, I am fully familiar with and have
19 personal knowledge of the matters stated in this declaration and am competent to
20 testify about them if called upon to do so.
21

22 4. I submit this Declaration in order to provide the Court and the
23 parties to the above-captioned action with information regarding the processing
24 of Proof of Claim and allocation and distribution of the Net Settlement Fund to
25 the Settlement Classes.
26
27
28

Claims Processing Activities

5. Pursuant to the December 29, 2019, Order Granting Final Approval of the Settlement with All Nippon Airways (“ANA”), the final Proof of Claim form filing deadline was April 1, 2020.

6. Through April of 2020, Rust received and processed a total of 96,133 Proof of Claim forms from potential Class Members for the class periods described below. Of the forms received:

a. 47,609 were from Phase 1 which included:

- i. Qantas, Cathay Pacific and Thai Airways Settlements with flights between January 1, 2000 and June 15, 2015. The claims closing date was October 13, 2015; and
- ii. Japan Airlines (JAL), Air France, Singapore Airlines, Vietnam Airlines and Malaysian Airline Settlements with flights between January 1, 2000 and December 4, 2017. The claims closing date was April 3, 2018.

b. 28,957 were from Phase 2 which included:

- i. Air New Zealand (ANZ), EVA Airways, China Airlines, and Philippine Airlines (PAL) Settlements with flights between January 1, 2000 and December 1, 2016. The claims closing date was December 31, 2018.

c. 19,549 were from Phase 3 which included:

- i. Settlement Class III flights between January 1, 2000 and December 1, 2016. The claim closing date was April 1, 2020;
 - ii. JAL and ANA flights to Japan between February 1, 2005 and December 31, 2007 that included a fuel surcharge. The claim closing date was April 1, 2020; and
 - iii. *Satogaeri* fares purchased from JAL and ANA for flights between January 1, 2000 and April 1, 2006. The claim closing date was April 1, 2020.
- d. 18 untimely claims postmarked after the final Proof of Claim form filing deadline of April 1, 2020 and received after August 1, 2020 were not processed.

7. The 96,115 timely Proof of Claim forms filed represent 66,650 unique potential Class Members, of which 280 Proof of Claim forms were withdrawn by claimants.

Deficient Proof of Claim Forms

8. On March 7, 2016, Rust mailed a total of 518 “Request for Information” letters for claims submitted for the Phase 1 class periods that were determined to be deficient or ineligible (for example, the Proof of Claim form was incomplete with no ticket purchase information, the Proof of Claim form was not signed, and/or no contract to authorize representation was included with the Proof of Claim form). This letter described to the Claimants the defect(s)

1 with his, her or its Proof of Claim form and what, if anything, was necessary to
2 cure the defect(s). The Request for Information letters advised claimants that,
3 unless the indicated deficiency was corrected within ninety (90) days, the Proof
4 of Claim form may be denied.
5

6 9. Claimants' responses to the Request for Information letters were
7 scanned to Rust's database and associated with the corresponding Proof of Claim
8 form. The responses were then reviewed and evaluated by Rust's team of
9 processors. If a Claimant's response corrected the defect(s), the settlement
10 database was updated to reflect the changes in status of the Proof of Claim. To
11 be equitable to all Class Members that timely responded, responses postmarked
12 after the 90-day deadline were not considered for correcting a deficient Proof of
13 Claim form. As a result of the deficiency process, 101 of the 47,609 claims
14 submitted in Phase 1 were considered invalid.
15

16 10. On April 28, 2020, Rust mailed 1,369 Request for Information
17 letters for claims submitted for Phases 2 and 3 class periods that were determined
18 to be deficient or ineligible (for example, the Proof of Claim form incomplete
19 with no ticket purchase information, the Proof of Claim form was not signed,
20 and/or no contract to authorize representation was included with the Proof of
21 Claim form). This letter described to the Claimants the defect(s) with his, her or
22 its Proof of Claim form and what, if anything, was necessary to cure the
23
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1 defect(s). The letters advised claimants that unless the indicated deficiency was
2 corrected within thirty (30) days, the Proof of Claim form may be denied.

3
4 11. Claimants' responses to the Request for Information were scanned
5 to Rust's database and associated with the corresponding Proof of Claim form.
6 The responses were then reviewed and evaluated by Rust's team of processors.
7 If a Claimant's response corrected the defect(s), the settlement database was
8 updated to reflect the changes in status of the Proof of Claim. To be equitable to
9 all Class Members that timely responded, responses postmarked after the 30-day
10 deadline were not considered for correcting a deficient Proof of Claim form. As
11 a result of the deficiency process, 196 of the 28,957 claims submitted in Phase 2
12 and 553 of the 19,549 claims submitted in Phase 3 were considered invalid.

13 **Audit Process**

14
15
16
17 12. All Proof of Claim forms were subject to review and/or audit by the
18 Claims Administrator.

19
20 13. On September 11, 2020, Rust mailed a total of 1,767 Request for
21 More Information letters in the audit process. 1,412 letters were sent to
22 individual claimants, and 284 letters were sent to households with multiple
23 claimants at the same address (comprised of 1,020 individual claimants).

24
25 14. As part of Rust's due diligence in processing claims, Rust
26 conducted a review of questionable claims where multiple claims were submitted
27 from the same address and/or email. An additional 71 letters were sent to
28

1 households with more than 35 claimants at the same address (comprising over
2 6,000 individual claimants) in connection with this review. (For more
3 information, see “Quality Assurance” below.)
4

5 15. Letters were sent to claimants whose claimed ticket counts for
6 individuals or businesses exceeded the following thresholds:
7

- 8 a. Individuals: 125 tickets or more, and/or 50 or more tickets for
9 each of the Japan (Fuel Surcharge) and/or Satogaeri
10 Settlement Classes.
- 11 b. Businesses: 1,000 or more tickets.

12
13 16. Over 500 audit responses were received containing over 1,800
14 documents. Responses were received via USPS, email and electronically
15 through secure Managed File Transfer (MFT) system.
16

17 17. In response to the challenges encountered by Class Members due to
18 the COVID pandemic, the October 12, 2020 audit response deadline was
19 extended to November 20, 2020. The extension allowed Class Members
20 additional time to gather and provide the documentation requested because of
21 office closures, shelter in place orders and delays in receiving mail.
22

23 18. Rust reviewed all responses supplied by the claimants from the
24 “Request for More Information” letters and determined responses to be
25 acceptable support for the number of tickets claimed if any of the following
26 documentation was provided:
27
28

- a. Receipts showing ticket purchases;
- b. Cancelled checks;
- c. Credit card statements;
- d. Travel itineraries;
- e. Email confirmation of ticket purchases; and/or
- f. Affidavit or declaration attesting that the number of tickets claimed is accurate.

Non-standard documents in varying formats and layouts (extracts in the form of spreadsheets, PDFs or paper detailing flight information that included airline, invoice number, fare paid, flight ticket number, ticket issue date and/or flight date(s), organization and destination city /airport) required individual review and analysis.

19. Upon completion of the audit process, it was determined that a total of 2,360 Claims were ineligible, either as a result of a failure to respond to the Request for More Information letters, or because the documentation submitted was inadequate to substantiate the Proof of Claim form submitted in whole or in part.

Quality Assurance

20. An integral part of all of Rust's settlement administration projects is its Quality Assurance review. Rust's project team and quality assurance personnel worked throughout the administration process to ensure that Proof of Claim forms and supplemental information were processed properly; that

1 deficiency and ineligibility message codes were properly applied to Proof of
2 Claim Forms; that deficiency notices were mailed to the appropriate Claimants;
3 and that Rust's computer programs were operating properly.
4

5 **Final Claim Totals**

6 21. On August 24, 2021, "Notice of Final Determination Letters" were
7 mailed to 66,395 individuals and entities that filed claims that were timely and
8 not withdrawn. Attached as Exhibit A is a copy of the Notice of Final
9 Determination for claims not eligible for payment and attached as Exhibit B is a
10 copy of the Notice of Final Determination for claims authorized for payment.
11
12

- 13 a. After mailing Final Determination Letters, the number of
14 unique individuals and entities that filed claims was adjusted
15 from 66,395 to 66,370 for the following reasons:
16 i. Ten (10) Proof of Claim Forms were combined with
17 other Proof of Claim Forms after Rust received
18 documentation establishing their link.
19 ii. Rust received fifteen (15) written requests to withdraw
20 Proof of Claim form submissions.
21

22 22. As of December 16, 2021, after the completion of audits, document
23 reviews, and communications (email, USPS, and telephone) with claimants,
24 approximately 4,602 potential Class Members submitted Proof of Claim that are
25 not eligible due to one or more of the following reasons:
26
27

- 28 a. No ticket information was provided.

- b. No timely response was received for requests for additional information.
- c. The flight(s) were not part of any settlement classes.

23. As of December 16, 2021, after the completion of audits, document reviews, and communications (email, USPS, and telephone) with claimants, there are approximately 61,768 Class Members authorized for payment totaling 29,929,759 qualifying tickets.

Pro Rata share of Settlement Funds

24. Each of the thirteen Settling Defendant airlines contributed to the total Settlement Fund. The total Settlement Fund available for distribution is \$104,388,254.38. The amount of initial distribution is \$104,387,133.10 due to rounding to the nearest cent when calculating the *pro rata* share per qualified claim.

25. There are eleven Settlement Classes that are defined as follows:

- a. JAL Settlement Class – Settlement Group 1
 - i. Includes 1,969,703 tickets claimed for Settlement Defendant airlines for Phase 1 class period.
 - ii. Includes Asia/Oceania originating travel (one-way or round trip) and U.S. originating travel (one-way or roundtrip).
- b. Air France/Singapore Airlines/Vietnam Settlement Class – Settlement Group 2

- i. Includes 5,117,529 tickets claimed for U.S. originating travel (one-way or roundtrip) for Settlement Defendant and Co-conspirator airlines for Phase 1 class period.
- c. Malaysian Air Settlement Class – Settlement Group 3
 - i. Includes 5,117,529 tickets claimed for U.S. originating travel (one-way or roundtrip) for Settlement Defendant and Co-conspirator airlines for Phase 1 class period.
- d. Thai Airways Settlement Class – Settlement Group 4
 - i. Includes 1,275,187 tickets claimed for Settlement Defendant airlines and tickets claimed for Korean Air Lines, Ltd. and/or Asiana Airlines, Inc. between the U.S. and the Republic of Korea for Phase 1 class period.
 - ii. Includes U.S. originating travel (one-way or roundtrip) and travel between U.S. and Republic of Korea.
- e. Cathay Pacific Airways/Qantas Settlement Class – Settlement Group 5
 - i. Includes 1,139,347 tickets claimed for U.S. originating travel (one-way or roundtrip) for Settlement Defendant airlines for Phase 1 class period.
- f. ANZ Settlement Class – Settlement Group 6
 - i. Includes 5,875,811 tickets claimed for U.S. originating travel (one-way or roundtrip) for Settlement Defendant and Co-conspirator airlines for Phase 1 and Phase 2 class period.
- g. EVA/China Airlines Settlement Class – Settlement Group 7

- i. Includes 1,384,299 tickets claimed for U.S. originating travel (one-way or roundtrip) for Settlement Defendant airlines for Phase 1 and Phase 2 class period.
- h. PAL Settlement Class – Settlement Group 8
 - i. Includes 5,875,811 tickets claimed for U.S. originating travel (one-way or roundtrip) for Settlement Defendant airlines for Phase 1 and Phase 2 class period.
- i. Settlement Class III – Settlement Group 9
 - i. Includes 2,116,920 tickets claimed for U.S. originating travel (one-way or roundtrip) for Settlement Defendant airlines for Phase 1, Phase 2 and Phase 3 class period.
- j. Japan Fuel Surcharge Settlement Class– Settlement Group 10
 - i. Includes 38,812 tickets claimed for U.S. originating travel (one-way or roundtrip) in Phase 3 class period for JAL or ANA that include a fuel surcharge.
- k. *Satogaeri* Settlement Class – Settlement Group 11
 - i. Includes 19,611 tickets claimed for U.S. originating travel (one-way or roundtrip) in Phase 3 class period for Japan Airlines International Company, Ltd. or All Nippon Airways Company, Limited (ANA) that were *Satogaeri* fares.

26. To calculate a claimant's *pro rata* share of the settlement funds for each of the eleven Settlement Classes, the tickets claimed on eligible Proof of Claim forms are included in each of the Settlement Classes according to the terms of Settlement for each Defendant. The settlement funds available are divided equally among the tickets included in each of the Settlement Classes. A

1 summary of the total tickets included and the funds available for distribution by
2 Settlement Class is attached as Exhibit C.

3
4 27. The total purchases by all eligible claimants for each Settlement
5 Class and the statistical analysis of the resulting pro rata calculation is attached
6 as Exhibit D.

7
8 **Distribution Plan for the Net Settlement Fund**

9 28. Upon approval by the Court, Rust will prepare and mail checks (or
10 wire transfers where applicable) to qualified claimants for their *pro rata* share of
11 the Settlement Fund.

12
13 29. I declare under penalty of perjury under the laws of the United
14 States that the foregoing is true and correct to the best of my knowledge.

15
16 Executed this 16th day of December, 2021 in Minneapolis, Minnesota.

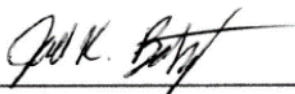
17
18
19 
20 _____
Joel K. Botzet

Exhibit A

Transpacific Air Transportation Settlement
c/o Rust Consulting, Inc.
P.O. Box 2209
Faribault, MN 55021-1609
USA

IMPORTANT LEGAL MATERIALS



* C L M N T I D N O *

UAA <<SequenceNo>>

<<TPFCode>>

<<Name1>>

<<Name2>>

<<Name3>>

<<Name4>>

<<Address1>>

<<Address2>>

<<City>> <<State>> <<Zip10>>

<<CountryName>>

<<DATE>>

NOTICE OF CLAIM FINAL DETERMINATION for Class Member ID <<HHID>>

Dear Claimant

We have received and processed the Claim Form(s) that you filed in the Transpacific Airline Settlement along with any supporting documentation you may have provided at our request. Upon reviewing the claim and purchase information provided we have determined that the claim(s) you submitted are not eligible due to one or more of the reasons below:

- No ticket information was provided.
- No timely response was received for requests for additional information.
- The flight(s) were not part of any of the settlement classes.

If you have any questions, please call us toll-free at 1-800-439-1781 or send an email to: info@airlinesettlement.com.

Sincerely,

Settlement Administrator

Exhibit B

Transpacific Air Transportation Settlement
 c/o Rust Consulting, Inc.
 P.O. Box 2209
 Faribault, MN 55021-1609
 USA

IMPORTANT LEGAL MATERIALS



UAA <<SequenceNo>>

<<TPFCode>>

<<Name 1>>

<<Name2>>

<<Name3>>

<<Name4>>

<<Address 1>>

<<Address2>>

<<City>> <<State>> <<Zip 10>>

<<CountryName>>

<<DATE>>

NOTICE OF CLAIM FINAL DETERMINATION for Class Member ID <<HHID>>

Dear Claimant

We have received and processed the Claim Form(s) that you filed in the Transpacific Airline Settlement along with any supporting documentation you may have provided at our request. Upon reviewing the claim and purchase information provided below are the ticket counts that qualify for each of the settlement classes:

Settlement Class	Qualified Ticket Count
JAL Settlement Class:	<<TTL_SG1>>
Air France/Singapore Airlines/Vietnam Airlines Settlement Class:	<<TTL_SG2>>
Thai Airways Settlement Class:	<<TTL_SG3>>
Malaysian Air Settlement Class:	<<TTL_SG4>>
Cathay Pacific Airways/Qantas Settlement Class:	<<TTL_SG5>>
ANZ Settlement Class:	<<TTL_SG6>>
EVA/China Airlines Settlement Class:	<<TTL_SG7>>
PAL Settlement Class:	<<TTL_SG8>>
Settlement Class III: (passenger air transportation originating in the U.S. that included at least one segment to Asia/Oceania from a Defendant between January 1, 2000 and December 1, 2016)	<<TTL_SG9>>
Japan Settlement Class (Fuel Surcharge):	<<TTL_SG10>>
Satogaeri Settlement Class:	<<TTL_SG11>>

This letter is for informational purposes only and you do not need to do anything in response. The ticket totals are the basis for calculating the settlement benefits for which you are entitled.

More information including the Settlement Class definitions is located on the website www.airlinesettlement.com.

Sincerely,

Settlement Administrator

Exhibit C

Transpacific Air Settlement Distribution and Calculation Summary

Settlement Classes	Settlement Group	Settlement Class	Total Settlement Fund available for distribution	Amount of Initial Distribution ¹	Count of tickets	Per Ticket Estimate
	1	JAL Settlement Class	7,081,875.03	7,081,787.12	1,969,703	3.5954
	2	Air France/Singapore Airlines/Vietnam Airlines Settlement Class	7,649,841.41	7,649,795.56	5,117,529	1.4948
	3	Malaysian Air Settlement Class	672,778.13	672,746.96	5,117,529	0.1315
	4	Thai Airways Settlement Class	6,869,418.78	6,869,408.89	1,275,187	5.3870
	5	Cathay Pacific Airways/Qantas Settlement Class	5,700,909.40	5,700,894.69	1,139,347	5.0037
	6	ANZ Settlement Class	283,275.00	282,989.58	5,875,811	0.0482
	7	EVA/China Airlines Settlement Class	28,681,593.89	28,681,385.89	1,384,299	20.7191
	8	PAL Settlement Class	6,373,687.53	6,373,649.92	5,875,811	1.0847
	9	Settlement Class III (ANA)	5,311,406.28	5,311,022.27	2,116,120	2.5098
	10	Japan Settlement Class Fuel Surcharge	27,931,448.05	27,931,446.13	38,812	719.6601
	11	Satogaeri Settlement Class	7,832,020.88	7,832,006.12	19,611	399.3680
			\$ 104,388,254.38	\$ 104,387,133.13	29,929,759	

¹ The total amount of initial distribution is less than the amount of settlement funds available for distribution due to rounding to the nearest cent when calculating the pro rata share per qualified claim.

Exhibit D

Transpacific –Calculation Statistics

- 96,133 claims were submitted in the three settlement phases for 66,650 unique claimants.
 - 61,768 valid claims
 - 4,602 invalid claims
 - 280 withdrawn claims
- Highest payment amount is \$4,583,696.00
 - 18 payments greater than \$1M
- Lowest payment amount is \$1.12
 - 16,032 payments less than or equal to \$10
- Average payment amount is \$1,689.99
- Median payment amount is \$43.53
- 99% of payments (61,268) are less than or equal to \$15,000
 - Average amount for these payments is \$378.64
 - 53% of these payments (32,953) are less than or equal to \$50.
- 1% of payments (500) are greater than \$15,000
 - Average amount for these payments is \$162,376.81

Stratification by Payment Amount

Payment Amount Range				Number of Claims	Amount of Payments	Number of Claims Percentage	Amount of Payment Percentage
\$	1.12	to	\$ 1,000.00	57,067	5,782,443.76	92.389%	5.539%
\$	1,000.01	to	\$ 5,000.00	3,032	7,180,315.66	4.909%	6.879%
\$	5,000.01	to	\$ 10,000.00	772	5,503,031.74	1.250%	5.272%
\$	10,000.01	to	\$ 15,000.00	397	4,732,934.77	0.643%	4.534%
\$	15,000.01	to	\$ 25,000.00	202	3,866,778.69	0.327%	3.704%
\$	25,000.01	to	\$ 50,000.00	98	3,359,421.04	0.159%	3.218%
\$	50,000.01	to	\$ 100,000.00	64	4,617,080.04	0.104%	4.423%
\$	100,000.01	to	\$ 500,000.00	107	22,295,378.23	0.173%	21.358%
\$	500,000.01	to	\$ 1,000,000.00	11	7,130,084.91	0.018%	6.830%
\$	1,000,000.01	to	\$ 5,000,000.00	18	39,919,664.29	0.029%	38.242%
Total Valid Claims				61,768	104,387,133.13	100.000%	100.000%

Transpacific –Calculation Statistics

Claim Distribution by Settlement Group

Settlement Classes	Settlement Class		# of Valid Claims with tickets for Settlement Class	% of Valid Claims with tickets for Settlement Class
	1	JAL Settlement Class	23,554	38%
	2	Air France/Singapore Airlines/Vietnam Airlines Settlement Class	35,938	58%
	3	Malaysian Air Settlement Class	35,938	58%
	4	Thai Airways Settlement Class	21,199	34%
	5	Cathay Pacific Airways/Qantas Settlement Class	20,477	33%
	6	ANZ Settlement Class	51,872	84%
	7	EVA/China Airlines Settlement Class	30,228	49%
	8	PAL Settlement Class	51,872	84%
	9	Settlement Class III (ANA)	39,518	64%
	10	Japan Settlement Class Fuel Surcharge	3,386	5%
	11	Satogaeri Settlement Class	2,541	4%
Total Valid Claims			61,768	